



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Akinari TODOROKI et al.

Group Art Unit: 2124

Application No.: 10/046,698

Examiner: C. Ngo

Filed: January 17, 2002

Docket No.: 111687

For: FILTERING METHOD AND APPARATUS

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the November 23, 2004 Election of Species Requirement, Applicants provisionally elect Species I. At least claims 1-4 and 9-13 read on the elected species. The election, is made with traverse.

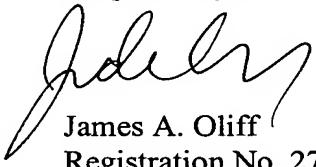
Moreover, it is respectfully submitted that the Office Action is, on its face unreasonable because the Office Action equates claims with species. Species are always different embodiments and claims are never species (see MPEP §806.04(e)). However, in this case, the Office Action states that Species I is directed to claims 1-4 and 9-13, and Species II is directed to claims 6-8 and 14-16. Because the Office Action improperly equates claims with species, withdrawal of the Election of Species Requirement is respectfully requested.

It is also respectfully submitted that the subject matter of all species is sufficiently related that a thorough search for the subject matter of any one species would encompass a search for the subject matter of the remaining species. Thus, it is respectfully submitted that

the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Election of Species Requirement is respectfully requested.

Respectfully submitted,



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JAO:JLC/aaw

Date: December 23, 2004

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